



# Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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## MINUTES March 8, 1999

**Continued Public Hearing: Special Permits for Conservation Cluster and two Common Driveways to serve 13 lots for a parcel of land on Concord Street, Map 4, Parcel 20 (Buttrick Woods), Landwest, Inc., applicant**

**Request for extension of time to complete Tall Pines Definitive Subdivision Plan from May 31, 1999 to December 13, 1999.**

**Request for discussion of possible amendment of Tall Pines Definitive Subdivision Plan that would eliminate requirement to install granite curbing outside the wetland buffer zone**

**Request to reduce performance bond for Tall Pines Definitive Subdivision Plan from \$285,000 to \$250,000 (tri-party agreement)**

**Request to reduce performance bond for Pine Meadow Definitive Subdivision Plan from \$65,000 to \$40,000 (tri-party agreement)**

**Request for approval of building construction on Lots 1 and 2 of Pine Meadow Definitive Subdivision Plan prior to Nov. 15, 2000, as specified in condition #1 of Certificate of Approval**

**Open Meeting to discuss proposed Open Space Neighborhood Bylaw amendments**

**Discussion of bylaw amendment to establish requirements for lot regularity (request of the Planning Administrator)**

**ANR Plan: 138-142 East Street, Map 22, Lots 62, 62A, 62B, 63C, 63D and 71, Theodore and Carol Beth Treibick, Deborah MacDonald, and Andrea and Ronald Schneebaum, applicants**

**Continued Public Hearing: Special Permit for Common Driveway to serve 5 lots at 138-142 East Street, Map 22, Lots 62, 62A, 62B, 63C, 63D and 71, Theodore Treibick, applicant**

**Request by Selectmen for Planning Board review of proposed Zoning Bylaw amendments to be placed on warrant for 1999 Annual Town Meeting**

**Notice from Town Administrator of Selectmen's pending intention to lay out Ice Pond Road as public way**

**Discussion of presentation of the Open Space Neighborhood bylaw amendments at Town Meeting**

Chair Hengeveld called the meeting to order at 7:10 p.m. Members Abend, Holzman, Reid and Tice were present. Epstein arrived at 7:15 p.m. and LaLiberte was not present this evening. Planning Administrator George Mansfield and *Mosquito* reporter Seba Gaines were also present.

**Continued Public Hearing: Special Permits for Conservation Cluster and two Common Driveways to serve 13 lots for a parcel of land on Concord Street, Map 4, Parcel 20 (Buttrick Woods), Landwest, Inc., applicant**

Mansfield explained that there are still some logistical problems in obtaining opinion from new Town Counsel in a timely fashion. Deutsch Williams therefore had not reviewed the plans and covenants. Abend moved to continue the public hearing to 7:45 p.m. on March 22, 1999. Reid seconded the motion and it was approved 4-0-1 with Tice abstaining.

**Scheduling of April and May Planning Board meetings**

April and May meetings will be held on the 2<sup>nd</sup> and 4<sup>th</sup> Mondays as usual. The dates are April 12 & 26, and May 10 & 24.

*(Epstein arrived.)*

**Request for extension of time to complete Tall Pines Definitive Subdivision Plan from May 31, 1999 to December 15, 1999.**

Hengeveld recused herself from all discussions pertaining to the Tall Pines Subdivision and Tice assumed the chair. The Board reviewed a letter from William Costello dated 2/22/99 and found his request for an extension of time to be reasonable. Reid moved to grant an extension of six months to no later than 12/15/99 for completion of the Tall Pines Subdivision. Abend seconded and the motion carried 4-0-1-1 with Epstein abstaining and Hengeveld recused.

**Request for discussion of possible amendment of Tall Pines Definitive Subdivision Plan that would eliminate requirement to install granite curbing outside the wetland buffer zone**

In his letter dated 2/22/99, Costello suggested that granite curbing might not be appropriate in this development for aesthetic and practical purposes. He offered to replace the granite curbing with an asphalt berm and to donate the savings of approximately \$75,000 to the Carlisle Land Trust for purchase of the Wang property on Curve Street. A petition opposing this proposal was signed by 17 residents of Tall Pines and submitted to the Board. The Board determined that, with approximately 30 homes in Tall Pines currently occupied, just over half of the residences are represented on the petition. Reid asked if granite curbing has been planned for both sides of the roadway along its entire length. Unfortunately, Costello could not be present this evening and was unavailable to answer such questions. Reid suggested that a Cape Cod berm, which is asphalt, is effective and will withstand snowplowing. Abend suggested that a sloped granite curb would be somewhat cheaper than a vertical granite curb. The Board generally agreed that alternative curbing might be appropriate, but it would also consider the views of the residents. Abend asked the PA to contact Costello and determine possible cost savings of sloped granite over vertical granite curbing.

Abend suggested that curbing in Costello's Pine Meadow project could also be considered. If that development has the same curbing issues, perhaps cost savings there could be combined with those in Tall Pines.

**Request to reduce performance bond for Tall Pines Definitive Subdivision Plan from \$285,000 to \$250,000 (tri-party agreement)**

Reid moved to release \$35,000 of the performance bond of the tri-party agreement for Tall Pines Definitive Subdivision Plan contingent upon engineering review. Holzman seconded the motion and it carried 4-0-1-1 with Epstein abstaining and Hengeveld recused.

Costello's 2/22/99 letter also mentioned installation of guardrails along portions of Barnes Place. The Board directed the PA to have the review engineer inspect these while inspecting the roadway. They also asked that these guardrails be shown on the plans.

### **Minutes and Bills**

While the bills were circulated, Reid moved to approve the minutes of 2/22/99 as drafted. Holzman seconded and they were approved 4-0-2 with Epstein and Tice abstaining.

### **Request to reduce performance bond for Pine Meadow Definitive Subdivision Plan from \$65,000 to \$40,000 (tri-party agreement)**

Abend recused himself from this discussion. Reid moved to reduce the amount of the performance bond by \$25,000 contingent upon a satisfactory report by the Board's review engineer. Tice seconded. The motion was amended by adding "determining that a \$40,000 bond would be sufficient." The amendment was accepted and seconded and the motion carried 5-0-1 with Abend recused.

### **Request for approval of building construction on Lots 1 and 2 of Pine Meadow Definitive Subdivision Plan prior to Nov. 15, 2000, as specified in condition #1 of Certificate of Approval**

In his 2/22/99 letter, Costello asked for PB approval to build on these lots in Spring 1999. He wished to complete construction before the septic permits expire and before roadway completion. Because the Town has an option on these lots until 11/15/2000, the Board asked the PA to obtain feedback from the Municipal Land Committee, the Recreation Committee and the Selectmen.

### **Open Meeting to discuss proposed Open Space Neighborhood Bylaw amendments**

The following members of the public were present: Selectman Vivian Chaput of Milne Cove Lane, Fred Lewis of Bedford Road and Brigitte Senkler of Curve Street (Senkler & Associates, Realtors).

Three documents were distributed to the public, 1) an outline of open space neighborhoods, 2) the proposed PB warrant articles, and 3) a chart of open space zoning in other communities.

Epstein explained that the PB has revitalized the 1997 Open Space Neighborhood Bylaw amendment, which failed to receive two-thirds majority approval at Town Meeting by 8 votes. The PB has since sought input from all Town boards and committees and has met with each of them. Epstein further explained that tonight's meeting would serve to introduce the public to the proposal and a public hearing would be scheduled for a later date, but prior to Town Meeting.

Epstein explained that the PB has focused primarily on the first article concerning the Open Space Neighborhood (OSN). This article would give the developer and the Town more options for development. Throughout the evening he stressed that this is an additional tool for the PB. Epstein noted that the OSN would preserve the overall two-acre density of the parcel and would not allow bonus lots. The OSN would allow the same number of lots as a conventional subdivision and the bylaw would give the developer two methods for calculating the maximum number of dwelling units (Sec. 5.8.4). Minimum lot sizes will be determined by a sliding scale based on the percentage of open space set aside. Epstein explained that the developer would have the following incentives for pursuing this option: 1) Clustering would reduce infrastructure costs and 2) the development can be designed to avoid sensitive areas such as wetlands and ledge thereby reducing the need for extensive fill or blasting.

Epstein explained that the affordable housing component is outlined in the second article and would only be moved if the first article passed. It would provide the developer with a bonus lot if one lot is provided for affordable housing. The third article would provide a similar justification for a bonus lot within the existing Conservation Cluster Bylaw. Epstein explained that the PB has limited expertise in the realm of affordable housing and is seeking co-sponsorship of these two articles.

Vivian Chaput thanked the Board for its efforts in reactivating the OSN bylaw amendment. She asked how the current proposal differs from the amendment proposed in 1997. She also asked if the Board had sought input from the community. Epstein noted that some major landowners such as Senkler, Sorli, Ballantine and Anderegg had been consulted. Mansfield added that in addition to the Board's three review engineers, Stamski and McNary had reviewed the proposal and given input.

Chaput was concerned that landowners be given ample opportunity to review the proposed OSN bylaw amendment. Epstein noted that existing development options will not be taken away and that the OSN will simply be an additional alternative. The OSN is not mandatory and will be granted as a special permit at the Board's discretion. Epstein emphasized that the new rules and regulations have encouraged developers to come before the Board with conceptual plans during early stages of development. This has allowed the Board to give direction to the developer before definitive plans are presented. The OSN will simply be a development alternative that might be pursued if the PB felt this type of development would be appropriate for a particular parcel of land.

Regarding changes since 1997, Epstein noted that the minimum lot areas as defined in Sec. 5.8.5.1 have been refined and recalculated to make the ratios work better. In Sec. 5.8.7, Epstein noted that the buffer area may now be included as part of the percentage of open space. Allowable pavement in the open space has been reduced from 10% to 5%. The minimum percentage of contiguous open space has also been increased in Sec. 5.8.6.1.

Regarding the affordable housing options, Chaput asked if the Board had considered allowing the Town to sell the bonus lot and using the money to build affordable housing elsewhere in Town. Epstein noted that Wayne Davis of the CLT had suggested this and the PB is interested in the concept, but has many questions. Reid noted that it would be helpful to know how the Town wished to pursue the affordable housing issue, i.e. should it be mingled, scattered or concentrated in Town. Chaput agreed that the Selectmen have not yet established a policy regarding affordable housing.

Abend noted that the OSN bylaw amendment is density neutral. He was concerned that the voters might not understand that the OSN is unrelated to any affordable housing initiatives if the second and third articles regarding bonus lots for affordable housing are added. He did not wish to link the articles at this time. Chaput agreed to discuss this with Selectmen and to see if the Housing Authority would support the affordable housing articles. Mansfield noted that the final wording for the warrant articles is due by March 16<sup>th</sup>.

Abend suggested that it might be appropriate to discuss the many aspects of affordable housing at the Fall Town Meeting. He then moved to **withdraw the two articles relating to affordable housing from the warrant, on or before the date it is no longer permitted to remove articles, if no other board or committee comes forward as a substitute sponsor for these articles, as determined by Michael Epstein.** Reid seconded the motion and it was approved 6-0.

Brigitte Senkler, who had just arrived, felt that affordable homes mingled with market-priced homes affect the cost of neighboring homes. She said it would be more difficult to sell the standard homes at market rate. Epstein reviewed what had just transpired in the meeting and noted that the Board is concentrating its efforts on the first article.

Senkler then asked why the existing Conservation Cluster bylaw wasn't simply revised in lieu of the new OSN bylaw. Epstein explained that the Conservation Cluster works well, but is limited to certain situations, and that the OSN will not replace the Conservation Cluster, but rather provide another alternative.

Senkler had questions concerning incentive to developers, aesthetics of an OSN, and generation of taxes for the Town. The Board urged Senkler to review the materials distributed this evening to help clarify some of these issues. They noted that the main intent of the proposed OSN bylaw is to allow the PB to encourage developers to move away from sensitive land. They also emphasized that the special permit is discretionary and the bylaw can be amended in the future if it needs some fine tuning.

Senkler also expressed concern about "communal wells." Epstein assured her that the BOH is working very closely with the PB on water issues and has already given support for this article.

**Discussion of bylaw amendment to establish requirements for lot regularity (request of the Planning Administrator)**

Abend expressed support for the concept of lot regularity, but felt there was not enough time to research and prepare an article for the Annual Town Meeting. Mansfield noted that Town Counsel had already suggested a coefficient of regularity, and it would not be difficult to draft a bylaw amendment if basing it on formulas used by Groton and Westford. The Board discussed the feasibility of preparing and reviewing the bylaw amendment before the deadline for final wording. Some Board members were still concerned about the actual ramifications of such a bylaw. Holzman moved to withdraw the article for a lot regularity bylaw amendment from the Town warrant. Abend seconded the motion and it carried 5-0-1 with Epstein abstaining. The Board asked that a note be made to reconsider this bylaw amendment for a future Town Meeting.

**ANR Plan: 138-142 East Street, Map 22, Lots 62, 62A, 62B, 63C, 63D and 71, Theodore and Carol Beth Treibick, Deborah MacDonald, and Andrea and Ronald Schneebaum, applicants**

The applicant, Ted Treibick was present, along with his attorney Jacob Diemert and engineers Eric K. Durling and David Crossman. Abutters William Cuccinello and Mike Kayat of East Street, and Fred Lewis of Bedford Road were also present.

Durling presented the ANR plan with seven lots. Three porkchop lots were configured with "long legs" extending from the buildable portions of the lots, to non-buildable land, in order to meet minimum acreage requirements. The Board asked that Durling show the lot lines because they were difficult to follow. This plan was then compared to the existing lot lines. Durling showed that lot E-7 obtains its frontage from Bedford Road, while the remaining proposed lots have frontage on East Street. He also noted that an order of conditions has been received from ConsCom for the wetland crossing required in order to access lot E-6.

Epstein explained that the Board had recently reviewed the history of this project and found that in November 1998 there had been a conceptual plan discussion. Even at this early stage, the Board had expressed concern that threshold access may be illusory. Mansfield gave Diemert a copy of his 3/8/99 memo to the Board with this information.

Diemert stated that he felt the role of a local planning board should be to oversee the best and proper development for a community. He felt that decisions should not be made based on the possible outcome of potential litigation. Diemert indicated that the applicant has made an effort to provide a plan that would be better than a potential subdivision plan. Abend noted that there may be more development alternatives.

Abend then moved to endorse the ANR plan by R. Wilson and Associates, dated 6/18/98 for property along East Street, file #83, submitted 12/8/98. Reid seconded the motion and it failed 0-6. The PA noted that the PB is required to give written notice to the Town Clerk if an ANR application is found to require subdivision approval.

Epstein moved, pursuant to Sec. 81P of Chapter 41, that the required notice be sent to the Town Clerk stating that the ANR Plan by R. Wilson and Associates, dated 6/18/98 for property along East Street, file #83, submitted 12/8/98, requires subdivision approval and is not entitled to Approval Not Required. Tice seconded the motion. The PA noted that the notice and form A-2 must be filed with the Town Clerk by Friday 3/12/99. Epstein amended the motion by adding "and to authorize the PB Clerk to sign form A-2 or any other required forms pursuant to the statute." Tice accepted the amendment to the motion and the entire motion was approved 6-0.

**Continued Public Hearing: Special Permit for Common Driveway to serve 5 lots at 138-142 East Street, Map 22, Lots 62, 62A, 62B, 63C, 63D and 71, Theodore Treibick, applicant**

The parties in attendance for the Treibick ANR discussion were also in attendance for this Public Hearing. Diemert suggested that despite disapproval of the ANR application, the common driveway special permit could still be considered. He felt that it would be appropriate to have the common driveway special permit in hand in case the ANR disapproval is overturned in court. The Board discussed this, but felt generally uncomfortable moving forward on the CD special permit without the ANR approval. Board members expressed a desire to review this with Town Counsel. Epstein then moved to continue the common driveway public hearing to 8:00 p.m. on 3/22/99. Tice seconded the motion. Diemert said that he would prefer to close the public hearing to start the 90-day decision clock. He felt that there was no more need for public input or information. Holzman noted that even without the disapproved ANR plan, he still had questions concerning driveway design. The Board voted 4-2 on the above motion with Holzman and Abend opposed.

*(Five minute recess.)*

**Request by Selectmen for Planning Board review of proposed Zoning Bylaw amendments to be placed on warrant for 1999 Annual Town Meeting**

The Planning Board agreed to hold public hearings for proposed Zoning Bylaw amendments on Monday 4/12/99 beginning at 7:00 p.m. in the following order: Open Space Neighborhood – Special Permit (Sec.5.8), Bank - Special Permit (Sec.3.2.5 and Sec.7.6.1), Home Operations – uses permissible on Special Permit (Sec.3.2.1-3.2.2), Multiple Dwellings on one Lot (Sec.3.2), Non-Conforming Use (Sec.6.3) and Senior Residence Open Space Community Petition (Sec.5.7).

**Notice from Town Administrator of Selectmen's pending intention to lay out Ice Pond Road as public way**

The PA explained that the layout of Ice Pond Road will be discussed at the 3/9/99 Selectmen's meeting and a recommendation from the Planning Board will be requested at the next PB meeting.

**Discussion of presentation of the Open Space Neighborhood bylaw amendments at Town Meeting**

The Board discussed preparations for the OSN presentation at Town Meeting. Reid noted that it would be helpful to determine how many parcels exist in Carlisle to which the OSN Special Permit might be applied. Hengeveld stated that according to the Open Space Plan, there are approximately 56 parcels each having ten acres or more. The Open Space Plan does not include smaller parcels that might be combined to form ten acres and it does not indicate what type of access the parcels have.

Epstein said he would look into the possibility of setting up a Power Point® presentation. He also indicated that he would review the Randall Arendt book and video for possible inclusion in the presentation. Holzman offered to film various housing developments on a digital camera as examples to be shown at Town Meeting. Reid recommended looking at Wright Farm on College Road in Concord as an example of a Planned Residential Development. The PA was asked to call area planners for examples of good developments.

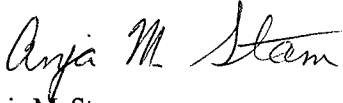
Hengeveld noted that it is important to emphasize to the landowners that no planning tools are being taken away and that the OSN is density neutral.

The Board discussed the importance of obtaining written endorsement from other Town boards and asked the PA to reserve time on the ConsCom and Selectmen agendas.

Mansfield noted that in order to make the OSN mathematically possible, the lot sizes should be decreased slightly. The Board discussed this and Abend and Epstein agreed to look into this outside the meeting.

At 10:45 p.m. Tice **moved to adjourn.** Abend seconded and the Board unanimously adjourned the meeting.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Anja M. Stam".

Anja M. Stam  
Recording Secretary